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SENATE BILL 394

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

INTRODUCED BY

Rod Adair

AN ACT

RELATING TO LEGISLATIVE COMMITTEES; CREATING THE OIL  
CONSERVATION DIVISION OVERSIGHT COMMITTEE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. OIL CONSERVATION DIVISION OVERSIGHT COMMITTEE  
CREATED--TERMINATION.--The joint interim legislative "oil  
conservation division oversight committee" is created. The  
committee shall function from the date of its appointment until  
December 21, 2012.

Section 2. MEMBERSHIP--APPOINTMENT--VACANCIES.--

A. The oil conservation division oversight  
committee is composed of twelve members. The New Mexico  
legislative council shall appoint six members from the house of  
representatives and six members from the senate.

B. Members shall be appointed from each house so as

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1 to give the two major political parties in each house equal  
2 representation on the committee. At the request of the  
3 committee chair, members may be removed from the committee by  
4 the New Mexico legislative council for nonattendance according  
5 to council policy. Vacancies on the committee, however caused,  
6 may be filled by the council, or the council may reduce the  
7 size of the committee by not making replacement appointments  
8 and in that case need not readjust party representation.

9 Section 3. DUTIES.--

10 A. After its appointment, the oil conservation  
11 division oversight committee shall hold one organizational  
12 meeting to develop a work plan and budget for the ensuing  
13 interim. The temporary chair of the committee shall be the  
14 president pro tempore of the senate, or the present pro  
15 tempore's designee, who shall serve until the permanent chair  
16 and vice chair have been chosen. The work plan and budget  
17 shall be submitted to the New Mexico legislative council for  
18 approval. Upon approval of the work plan and budget by the  
19 council, the committee shall:

20 (1) examine the statutes, constitutional  
21 provisions and rules governing the oil conservation division of  
22 the energy, minerals and natural resources department;

23 (2) monitor and oversee the oil conservation  
24 division as it administers New Mexico's oil, gas and geothermal  
25 resources and as it applies internally developed rules and

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1 regulatory oversight;

2 (3) review issues that affect the state's oil  
3 conservation, including emissions, oil extraction and  
4 compliance with federal statutes and rules and policies created  
5 by the oil conservation division and other state agencies;

6 (4) notify the oil conservation division when  
7 the committee has determined that rules promulgated by the oil  
8 conservation division exceed statutory authority or contradict  
9 statutes; and

10 (5) make recommendations to the legislature  
11 relating to the adoption of rules or policies of the oil  
12 conservation division and for proposed legislation, if any  
13 recommendations are found to be necessary.

14 B. The committee shall regularly receive testimony  
15 from:

16 (1) the secretaries of energy, minerals and  
17 natural resources; economic development; and environment;

18 (2) staff members of the oil conservation  
19 division;

20 (3) representatives of and persons involved in  
21 oil and gas exploration;

22 (4) persons concerned with issues related to  
23 the duties of the oil conservation division; and

24 (5) other persons as appropriate.

25 Section 4. SUBCOMMITTEES.--Subcommittees shall be created

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1 only by majority vote of all members appointed to the oil  
2 conservation division oversight committee and with the prior  
3 approval of the New Mexico legislative council. A subcommittee  
4 shall be composed of at least one member from the senate and  
5 one member from the house of representatives and shall have  
6 equal political party representation. Any meeting or  
7 expenditure of a subcommittee shall be approved by the full  
8 committee in advance of that meeting or expenditure, and the  
9 approval shall be shown in the minutes of the committee.

10 Section 5. REPORTS.--The oil conservation division  
11 oversight committee shall make reports of its findings and  
12 recommendations for the consideration of the first and second  
13 sessions of the forty-ninth and fiftieth legislatures. The  
14 reports and suggested legislation shall be made available to  
15 the New Mexico legislative council on or before December 15  
16 preceding each session. Other reports to the executive branch  
17 and appropriate agencies may be issued as determined by the  
18 committee.

19 Section 6. STAFF.--The staff for the oil conservation  
20 division oversight committee shall be provided primarily by the  
21 legislative council service, but the legislative council  
22 service may request the assistance of the legislative finance  
23 committee staff at the direction of the committee.